

## REMARKS

### **Introduction**

The present application has been carefully studied and amended in view of the outstanding Office Action dated May 19, 2009, and reconsideration of that Action is requested in view of the following comments.

### ***Status of claims***

Claims 1 to 4 and 6 and 7 are pending in the application.

Claims 1 to 4 and 6 and 7 have been rejected.

Claims 1, 2 and 4 have been currently amended.

Claim 1 has been amended by incorporating monomers **A3** as mandatory, together with the description of these monomers taken from paragraph [0012] of the specification.

Claim 2 has been amended by adding a reference to these monomers **A3** of amended claim 1.

Claim 4 has been amended by relating the mass fraction of monomer **A1** to the total mass of all monomers, **A1**, **A2**, and **A3**.

No new matter has been added by these amendments, and no further search and/or consideration is necessitated by these amendments. Entry thereof is therefore respectfully requested.

### **The Office Action**

#### ***Rejection under 35 U. S. C. 103 (a)***

Claims 1 to 4, 6, and 7 stand rejected under 35 U. S. C. 103 (a) as being unpatentable over the Dworak et al. US 2002/0 077 389 A1 ("Dworak").

Dworak discloses an aqueous binder mixture comprising a water-dilutable resin and a water-miscible hydroxyurethane. See col. 1, paragraph [0005]. The water-dilutable resins are condensation products of acid functional resins **A** and hydroxy-functional resins **B**. See paragraph [0010]. The acid functional resin **A** may be an acrylic copolymer (referred to as **A5** in Dworak, see paragraph [0016]), and the hydroxy-functional resin **B** may be a hydroxy-functional polyester (referred to as **B1** by Dworak, see paragraph [0024]). However, Dworak

fails to disclose or suggest that the acrylic copolymer A is made from a mixture with a mass fraction of up to 50 % of further monomers A3 which are mono- or polyunsaturated fatty acids having from 14 to 30 carbon atoms or esters thereof with aliphatic alcohols having from 1 to 20 carbon atoms in the alkyl groups, as detailed in paragraph [0012] of the specification which has been incorporated into independent claim 1 of the present application.

The only comonomers known from Dworak are monomers A53 which are lactones A531 or epoxides A532, both of which react with the acid monomers under ring opening or addition to form hydroxy functional or acid functional further monomers. See paragraph [0022], starting with the fourth sentence "It is also advantageous ...".

None of the monomers A3 of amended claim 1 of the present application can react with acid groups-containing monomers under ring-opening or under addition, as they are either acids themselves which do not react with other acids under the conditions cited, to possibly form mixed acid anhydrides, or esters which may, according to thermodynamics, react with acids under transesterification. Such reaction would lead to a mixture of acids and esters where one acid or one ester would have a higher fugacity (lower boiling temperature and heat of vaporization). The lower-boiling acid would be acrylic acid compared to a mono- or polyunsaturated acid having from 14 to 30 carbon atoms, as claimed in amended claim 1. Therefore, there would not be any transesterification reaction in this case.

There is no teaching, motivation, or suggestion in Dworak to introduce the features as now particularly pointed out and distinctly claimed in claims 1 to 4, and 6 to 7 of the present application, and thereby arrive at the advantageous properties provided by the method of use as claimed.

It is therefore believed and strongly urged that this reason of rejection has been rendered moot by the amendments and above arguments.

**Conclusion**

In summary, the subject matter of the present invention as specifically recited in the pending claims is neither anticipated nor rendered obvious by Dworak, and favorable reconsideration is respectfully requested.

Respectfully submitted,

By Richard M. Beck  
Richard M. Beck

Registration No.: 22,580  
CONNOLLY BOVE LODGE & HUTZ LLP  
1007 North Orange Street  
P.O. Box 2207  
Wilmington, Delaware 19899  
(302) 658-9141  
(302) 658-5614 (Fax)  
Attorney for Applicant

710832